APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,172	05/16/2005	Ramakrishman Venkata Subramanian	1890-0249	5743

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EXAMINER
SCIACCA, SCOTT M

ART UNIT	PAPER NUMBER
2446	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/535,172	SUBRAMANIAN ET AL.
	Examiner	Art Unit	
	Scott M. Sciacca	2446	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>on 1/21/2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure* Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446

/Scott M. Sciacca/
Examiner, Art Unit 2446

U.S. Patent and Trademark Office

PTOL-303 (Rev. 08-06)   **Advisory Action Before the Filing of an Appeal Brief**   Part of Paper No. 20090205

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments in the reply filed on 1/21/2009 are not persuasive.

On page 3 of the remarks, Applicant argues "Applicants respectfully disagree and maintain that Ross does not disclose constructing a table containing associations between ports of a switch and MAC addresses of any devices connected to the switch via those ports in respect of all but a first one of the ports, as specified in independent claims 1 and 24." On pages 3-4 of the remarks, Applicant goes on to state "Contrary to the Examiner's assertion, Ross merely describes in Col. 5, lines 61-66 'means (MAC ADDR) 62 for determining the MAC addresses of each of end stations 20, 22, 24, 26, 28, 30, 32, 34, and 36 (and the MAC addresses of each of internal ports 12, 14, and 16 if such MAC addresses exist) and storing those MAC addresses in memory 42.' Ross goes on to describe between Col. 5, line 67 and Col. 6, line 3 that 'Means 62 may also include the ability to store in memory 42...MAC addresses of internal ports and/or end stations associated with other network hubs and connected to hub 10 only through external port 18.' In other words, memory 42 of Ross which stores MAC addresses associated with each of the internal ports also contains associations between the external port 18 and MAC addresses of any devices connected to the external port 18 via the external port 18. This is similarly described at Col. 5, lines 14-24 of Ross which states: 'Network hub 10 further includes ... a local memory 42 for storing VLAN designations for internal ports 12, 14, and 16, media access control (MAC) addresses for end stations 20, 22, 24, 26, 28, 30, 32, 34, and 36, MAC addresses ... for end stations associated with other network hubs connected to hub 10 only through external port 18, and VLAN designations ... for external port 18 when such VLAN designations apply to ports and end stations reachable through external port 18,' and also at Col. 9, lines 36-40 of Ross: 'MEM 42 may ... provide similar information for unique MAC addresses that belong to end stations attached to the internal ports of other hubs reachable through external port 18.'"

Examiner respectfully disagrees. The portions of Ross cited by the Applicant appear to be directed towards an alternative embodiment of the invention disclosed by Ross. Ross discloses that MAC addresses of devices connected to the external port (first port) of the hub are optionally stored in the hub's memory ("Network hub 10 further includes a flow processing element (FPE) 40 and a local memory 42 for storing .... MAC addresses, when desired, for end stations associated with other network hubs connected to hub 10 only through external port 18" - See Col. 5, lines 14-21). Thus, in the case where the hub in Ross does not store MAC addresses of devices connected to the hub's external port, the funcitonality of the claimed invention is realized.

On page 6 of the remarks, Applicant argues "Applicants respectfully disagree and maintain that Khill does not disclose the feature of "stopping generation of the table before MAC addresses of at least some devices operably coupled through the first ingress/egress port are associated with the first ingress/egress port in the table," as specified in claim 17." On page 7 of the remarks, Applicant further argues "Khill does not disclose stopping generation of the table only with respect to the first ingress/egress port. Rather, Khill discloses, for example, at Col. 6, lines 44-47 that if the budget of entries is exhausted, the learning process in respect of all of the ports terminates until a current learning period is over."

Examiner respectfully disagrees. Examiner has given the step of "stopping generation of the table before MAC addresses of at least some devices operably coupled through the first ingress/egress port are associated with the first ingress/egress port in the table" the interpretation that the table is generated for all ports, inlcuding the first ingress/egress port in accordance with page 5, lines 12-20 of the specification. Thus, "stopping generation of the table before MAC addresses of at least some devices operably coupled through the first ingress/egress port are associated with the first ingress/egress port in the table" would mean that some MAC addresses of devices connected to the first ingress/egress port are stored, but generation of the table is stopped before ALL of the MAC addresses of devices connected to the first ingress/egress port are learned. As shown above, Ross discloses a hub that optionally stores MAC addresses for devices connected to the hub's external port. As mentioned in the Final Office Action, Ross does not disclose the feature that generation of a table containing MAC addresses of devices connected to the external port (first ingress/egress port) is stopped BEFORE all of said MAC addresses are stored. However, Khill teaches stopping generation of a MAC address table before all the addresses of connected devices are learned (see Final Office Action, pages 13-14).